

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ELLIOT D. GOODIN,

Plaintiff.

V.

COMMISSIONER MICHELLE L.
RESSA; and LISA LYDON,

Defendants.

NO. 2:21-CV-0270-TOR

ORDER OF DISMISSAL WITHOUT PREJUDICE

BEFORE THE COURT is Plaintiff's failure to file an Amended Complaint

(or voluntarily dismiss this case) within 60-days of this Court's Order dated

15 | September 30, 2021. ECF No. 5. The Court has reviewed the record and files

herein and is fully informed.

Plaintiff, a patient at Eastern State Hospital, is proceeding *pro se* and in

forma pauperis. See ECF No. 4. Plaintiff filed his Complaint on September 10,

19 | 2021. ECF No. 1. On September 30, 2021, the Court screened Plaintiff's

20 | Complaint for legal sufficiency pursuant to 28 U.S.C. § 1915(e). ECF No. 5.

1 Because Plaintiff did not allege sufficient facts to state a claim for relief, this Court
2 dismissed Plaintiff's Complaint without prejudice and with leave to amend. *Id.*
3 The Court instructed Plaintiff that he may file an Amended Complaint within sixty
4 (60) days of the date of the Order or file the attached Motion to Voluntarily
5 Dismiss within sixty (60 days). *Id.* The Court cautioned Plaintiff that if he failed
6 to file within sixty days, the Court would dismiss the entire case for failure to state
7 a claim under 28 U.S.C. § 1915(e)(2). *Id.* Plaintiff failed to timely respond in any
8 manner.

9 Pursuant to 28 U.S.C. § 1915(a)(3), “[a]n appeal may not be taken *in forma*
10 *pauperis* if the trial court certifies in writing that it is not taken in good faith.” The
11 good faith standard is an objective one, and good faith is demonstrated when an
12 individual “seeks appellate review of any issue not frivolous.” *See Coppedge v.*
13 *United States*, 369 U.S. 438, 445 (1962). For purposes of 28 U.S.C. § 1915, an
14 appeal is frivolous if it lacks any arguable basis in law or fact. *Neitzke v. Williams*,
15 490 U.S. 319, 325 (1989).

16 The Court finds that any appeal of this Order would not be taken in good
17 faith and would lack any arguable basis in law or fact. Accordingly, the Court
18 hereby revokes Plaintiff's *in forma pauperis* status.

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ACCORDINGLY, IT IS HEREBY ORDERED:

1. Plaintiff's Complaint is **DISMISSED without prejudice** for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B).
2. Plaintiff's *in forma pauperis* status is **REVOKED**.

The District Court Executive is directed to enter this Order, enter judgment of dismissal without prejudice, forward a copy to Plaintiff, and **CLOSE** the file.

DATED December 1, 2021.



THOMAS O. RICE
United States District Judge